

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Rachelle Zacharias,) Civil Action No.
)
Plaintiff,)
)
vs.) **NOTICE OF REMOVAL**
)
Walmart Inc.,)
)
Defendant.)

The defendant, Walmart Inc., by and through the undersigned attorneys, files the Notice of Removal of the above-entitled action from the Court of Common Pleas for Horry County, State of South Carolina, to the United States District Court for the District of South Carolina, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, on the following grounds:

1. The above-entitled action was instituted by the plaintiff against the defendant, by service of a Summons and Complaint on November 22, 2022, and this action is now pending in the Court of Common Pleas for Horry County, State of South Carolina, being Civil Action No. 2022-CP-26-06404.

2. At the time of the commencement of the action, the plaintiff, upon information and belief, was and still is a citizen and resident of the State of Ohio.

3. The defendant, Walmart, Inc., was at the time of the commencement of the action and still is a publicly traded Delaware Corporation with its principal place of business in the State of Arkansas.

4. This action is of a civil nature and involves a controversy that is wholly between citizens of different states and the value of the matter in dispute in said cause is believed

to exceed the sum of Seventy-Five Thousand and 00/100ths (\$75,000.00) Dollars, exclusive of interest and costs. In making this assessment, the undersigned attorneys would state that the Complaint does not include any limitation on the prayer for damages. Additionally, the undersigned attorneys for the defendant made inquiry to plaintiff's counsel as to a possible stipulation with respect to the amount-in-controversy, and, at the time of this filing, plaintiff's counsel has neither responded nor agreed to such a stipulation. Therefore, the defendant respectfully believes the jurisdictional threshold is established. Based on this information, said action, upon information and belief, is one over which the District Court of the United States has original jurisdiction.

5. Defendant files together with this Notice a copy of all process, pleadings and orders served upon it in this action in compliance with Federal Rules of Civil Procedure 11.

6. Defendant has provided a copy of the Notice of Removal to the Clerk of Court for Horry County.

7. Defendant, pursuant to 28 U.S.C. §1446(d), shall promptly give written notice of removal to all adverse parties and shall file a copy of the Notice with the Clerk of Court, Horry County, South Carolina.

8. Removing defendant is filing this Notice solely by reason of the requirements of 28 U.S.C. § 1446 and this Notice has been timely filed pursuant to 28 U.S.C. § 1446(b).

9. Defendant reserves all defenses including, but not limited to, those under Federal Rule of Civil Procedure 12(b), and does not waive said defenses by the filing of this Notice to all adverse parties.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, L.L.C.

By: S / Rebecca Laffitte
Rebecca Laffitte (Fed I.D. No. 1036)
rlaffitte@robinsongray.com
J. Michael Montgomery (Fed I.D. No. 10290)
mmontgomery@robinsongray.com
Rachel M. Hutchens (Fed I.D. No. 12696)
rhutchens@robinsongray.com
Haley M. Saxby (Fed I.D. No. 13349)
hsaxby@robinsongray.com
2151 Pickens Street, Suite 500
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400

Attorneys for Defendant, Walmart Inc.

Columbia, South Carolina

December 21, 2022

CERTIFICATE OF SERVICE

I, the undersigned legal assistant of the law offices of Robinson Gray Stepp & Laffitte, L.L.C., attorneys for Defendant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by e-mailing and mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Notice of Removal

Counsel Served:

VIA E-MAIL AND U.S. MAIL

Jeffrey E. Johnson, Esquire
Jeff Johnson Law
Post Office Box 1829
Conway, South Carolina 29528
firm@jjohnsonlaw.net

Carenn N. Moore
Carenn N. Moore
Legal Assistant

Columbia, South Carolina

December 21, 2022